

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

SEP 21 2005

JOHN F. CORORAN, CLERK  
DEPUTY CLERK  
*Blatt*

AMPAZZIO W. WARREN, ) Case No. 7:04CV00607  
Petitioner, )  
 )  
v. ) **ORDER**  
 )  
JERRY KILGORE, ) By: Hon. Glen E. Conrad  
Respondent. ) United States District Judge

For the reasons stated in the accompanying memorandum opinion, it is hereby

**ORDERED**

as follows:

1. The magistrate judge's Report and Recommendation shall be **ADOPTED**;
2. The respondent's motion to dismiss shall be **GRANTED**;
3. The petitioner's motion for extension of time shall be **DENIED**; and
4. The petition shall be **STRICKEN** from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondents.

ENTER: This 21<sup>st</sup> day of September, 2005.

*Glen Conrad*

United States District Judge